

UNITED STATES DISTRICT COURT  
DISTRICT OF NEW HAMPSHIRE

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MEMBERS OF THE BEEDE SITE GROUP, )  
 )  
 Plaintiffs, )  
 )  
 v. ) C.A. No. 09-370 WES  
 )  
 FEDERAL HOME LOAN MORTGAGE CORP., )  
 Et alia, )  
 )  
 Defendants. )  
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INTERIM SCHEDULING ORDER

WILLIAM E. SMITH, United States District Judge.

A pretrial conference in the above-captioned action took place on June 7, 2011, in the United States District Court in Providence, Rhode Island. After considering the issues raised by the parties, the Court sets forth the following schedule.

1. The Plaintiff shall file a Second Amended Complaint on or before July 8, 2011. The Court approves Plaintiff's request to use electronic service to serve the Second Amended Complaint on all previously-served Defendants, except for those Defendants who are not presently represented by counsel. Defendants presently represented by counsel and any new defendants added in the Second Amended Complaint must be served in compliance with Fed. R. Civ. P. 4. Any newly-added defendants will have until July 29, 2011, to answer or otherwise respond to the Second Amended Complaint (unless otherwise extended). Those defendants previously identified and served with the Amended Complaint may file amended answers on or

before July 29, 2011. In the alternative, on July 29, 2011, the Court will deem any defendant's previously and properly-filed answer to serve as the answer to the Second Amended Complaint.

2. All parties shall provide initial disclosures, as required by Fed. R. Civ. P. 26, on or before July 8, 2011. Plaintiff shall disclose the identity of its expert witnesses, pursuant to Fed. R. Civ. P. 26(a)(2), on or before December 30, 2011; and defendants will disclose their expert witnesses on or before January 27, 2012.

3. The parties will engage in continued efforts to mediate settlements with the assistance of United States District Court Magistrate Judge Almond and ADR Administrator-Mediator Berry Mitchell for the next sixty days.

4. Motions for summary judgment on threshold legal issues, which can be addressed prior to discovery, will be due on or before August 5, 2011. These issues include, but are not limited to, issues of successor liability and CERCLA's so-called petroleum exception, 42 U.S.C. § 9601(14). Plaintiff shall respond to motions for summary judgment on or before September 9, 2011. Replies are due September 23, 2011.

5. Factual discovery will begin on October 3, 2011, and continue until March 30, 2012. Expert discovery will begin December 16, 2011, and close on March 30, 2012. Routine motions

concerning discovery practice will be referred to Magistrate Judge Almond.<sup>1</sup>

6. A Pretrial/Case Management Conference will take place on Tuesday, April 3, 2012, at 11:00 a.m. at the United States District Court in Providence, Rhode Island. At this conference, the Court will set a schedule for additional motions including, but not limited to: 1) summary judgment motions on issues of liability; 2) the so-called "soil to oil" issue; 3) the application of Section 107 of CERCLA; and any other issues discussed at the June 2011 conference (or new issues). In addition, the Court will endeavor to set a date for trial of this action at this conference.<sup>2</sup>

IT IS SO ORDERED.

WES  
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William E. Smith  
United States District Judge  
Date: 6/22/11

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<sup>1</sup> District of New Hampshire Local Rule 7.1(c) is dispensed with for this action.

<sup>2</sup> If any party believes any modification to this case management order is required it shall file a motion to modify after consulting and seeking agreement of all other parties to the action.